

ASSEMBLY BILL

No. 2803

Introduced by Assembly Member Salas

February 19, 2016

An act to add Section 4573.10 to the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 2803, as introduced, Salas. Inmates: unlawful communications.

Existing law prohibits unauthorized communications with inmates in state prison facilities and local jails, as specified. Existing law prohibits the giving or taking of any letter, writing, literature, or reading matter to or from an inmate, without proper authorization. A violation of these provisions is a misdemeanor.

This bill would make it a felony to knowingly possess, manufacture, or distribute in any state prison facility or local jail, as specified, prescribed communications that contain an overt or disguised request or instructions to cause harm, great bodily injury, or death to another person.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4573.10 is added to the Penal Code, to
2 read:

3 4573.10. Any person who knowingly possesses, manufactures,
4 or distributes in any state prison, prison road camp, prison forestry
5 camp, or other prison camp or prison farm or any place where
6 prisoners of the state are located under the custody of prison
7 officials, officers, or employees, or in a county, city and county,
8 or city jail, road camp, farm, or any place or institution, where
9 prisoners or inmates are being held under the custody of any sheriff,
10 chief of police, peace officer, probation officer, or employees, or
11 within the grounds belonging to any jail, road camp, farm, place
12 or institution, any writing, item, material, or electronic
13 communication with knowledge that the writing, item, material,
14 or electronic communication contains an overt or disguised request
15 or instructions to cause harm, great bodily injury, or death to
16 another person, without being authorized to so possess the same
17 by the rules of the Department of Corrections and Rehabilitation,
18 rules of the prison or jail, institution, camp, farm or place, or by
19 the specific authorization of the warden, superintendent, jailer, or
20 other person in charge of the prison, jail, institution, camp, farm
21 or place, is guilty of a felony (a) punishable by imprisonment in
22 a county jail for two, three, or four years pursuant to subdivision
23 (h) of Section 1170, or, (b) if the defendant committed a violation
24 of this section while a prisoner in a state facility, punishable by
25 imprisonment in state prison for two, three, or four years.

26 SEC. 2. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.

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